

REMARKS

Favorable reconsideration and allowance of the present application are requested in view of the following remarks. Claims 1-20 were pending prior to the final Office Action. Of these, claims 8-12 and 14-16 were withdrawn from consideration. Through with this reply, claims 21-26 are added and the withdrawn claims are cancelled. Therefore, claims 1-7, 13 and 17-26 are pending. Claims 1 and 13 are independent.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview on September 22, 2005.

§ 102 REJECTION – IIJIMA

Claims 1, 3, 6-7 and 13 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Iijima et al. (U.S. Patent 6,621,524). *See final Office Action, pages 5-7.* Applicant respectfully traverses.

As amended, independent claim 1 recites, in part “photographic – condition storage means for separately storing in the storage device data representing photographic conditions prevailing at the time of photography for each of the plurality of synthesis target images” and “synthesis target image selection means for selecting a synthesis target image data ... based upon

the separately stored data from the storage device representing the photographic conditions of the plurality of synthesis target images.” As demonstrated during the interview, Iijima cannot teach or suggest at least these features. Therefore, independent claim 1 is distinguishable over Iijima.

Independent claim 13 recites, in part “separately storing in the storage device data representing photographic conditions prevailing at the time of photography for each of the plurality of synthesis target images” and “selecting a synthesis target image data ... based upon ... the separately stored data from the storage device representing the photographic conditions of the plurality of synthesis target images.” As noted above, it was agreed that Iijima cannot teach or suggest at least these features. Therefore, independent claim 13 is also distinguishable over Iijima.

Claims 3 and 6-7 depend from independent claim 1 directly or indirectly. Therefore, for at least due to the dependency thereon as well as on their own merits, claims 3 and 6-7 are also distinguishable over Iijima.

Applicants respectfully request that the rejection of claims 1, 3, 6-7 and 13 based on Iijima be withdrawn.

§ 103 REJECTION – IJIMA

Claims 4 and 5 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Iijima. *See Final Office Action pages 8-9.* Applicant respectfully traverses.

It has been shown above that independent claim 1 is distinguishable over Iijima. Claims 4 and 5 depend from independent claim 1 directly or indirectly. Therefore, for at least the reasons stated above with respect to independent claim 1, these dependent claims are also distinguishable over Iijima.

Applicant respectfully requests that the rejection of claims 4 and 5 based on Iijima be withdrawn.

§ 103 REJECTION – IJIMA, BLANK

Claim 2 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Iijima in view of Blank (USP 5,345,313). *See Final Office Action, pages 10-11.* Applicant respectfully traverses.

Claim 2 depends from independent claim 1 and it has been shown above that independent claim 1 is distinguishable over Iijima. Blank has not been and indeed cannot be relied upon to correct for at least the above-noted deficiencies of Iijima. Therefore, independent claim 1 is distinguishable over the combination of Iijima and Blank.

Due to the dependency thereon to independent claim 1, claim 2 is also distinguishable over the combination of Iijima and Blank for at least the reasons stated above with respect to independent claim 1.

Applicant respectfully requests that the rejection of claim 2 based on Iijima and Blank be withdrawn.

§ 103 REJECTION – IIJIMA, KONISHI

Claims 17-20 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Iijima in view of Konishi et al. (USP 5,420,635). *See Final Office Action, pages 11-13.* Applicant respectfully traverses.

Claims 17-20 depend from independent claim 1 or 13 directly or indirectly. It has been shown above that both independent claims 1 and 13 are distinguishable over Iijima. Konishi has not been and indeed cannot be relied upon to correct for at least the above-noted deficiencies of Iijima. Therefore, independent claims 1 and 13 are distinguishable over the combination of Iijima and Konishi.

For at least due to the dependency thereon as well as on their own merits, claims 17-20 are also distinguishable over the combination of Iijima and Konishi.

Applicant respectfully requests that the rejection of claims 17-20 based on Iijima and Konishi be withdrawn.

NEW CLAIMS

Through this Reply, claims 21-26 are added. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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